

Appendix K:

Hazard Mitigation Grant Program Administration Plan, DR-1661-VA Tropical Storm Ernesto, October 6, 2006

Appendix K

HAZARD MITIGATION GRANT PROGRAM ADMINISTRATIVE PLAN

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PURPOSE

This appendix establishes the procedures for administration of the Hazard Mitigation Grant Program (HMGP) and for project management of the mitigation measures to be funded under Section 206 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (the Act) as amended. As Appendix K of the *Commonwealth of Virginia Emergency Operations Plan: Support Annex-3, Standard and Enhanced Hazard Mitigation Plan* (formerly Volume 6 of the EOP), it is considered a component of that plan. [206.437 (c).]

The Administrative Plan establishes an independent grant program for hazard mitigation and is closely tied to the post-disaster hazard mitigation plan (Commonwealth Mitigation Strategy) required by the Act as a condition of assistance. The Plan is a critical component in the identification of mitigation measures and recommendations that could benefit from the grant program. The plan is submitted to the Regional Director (RD) for review and approval following a major disaster declaration. At that time, the Commonwealth shall prepare updates, amendments, or plan revisions necessary to meet current policy guidance or changes in the administration of the Hazard Mitigation Grant Program. It is acknowledged that the Commonwealth will not be awarded Hazard Mitigation Grant Program funds until the Administration Plan is approved by the FEMA Regional Director. [206.437(d)]

The Commonwealth, through the assurances provided by the Code of Virginia and detailed in the FEMA/State Agreement drafted following a presidential declared disaster, shall comply with all applicable Federal statutes and regulations in effect with respect to implementation of the Hazard Mitigation Grant Program. [13.11(c)]. Assurances that the Commonwealth of Virginia will follow all provisions of the Stafford Act and subsequent requirements of Part 206 of *Code of Federal Regulations, Title 44 (44 CFR)* are provided on page 1-10 of the *Commonwealth of Virginia Emergency Operations Plan: Volume 6: Standard and Enhanced Hazard Mitigation Plan*.

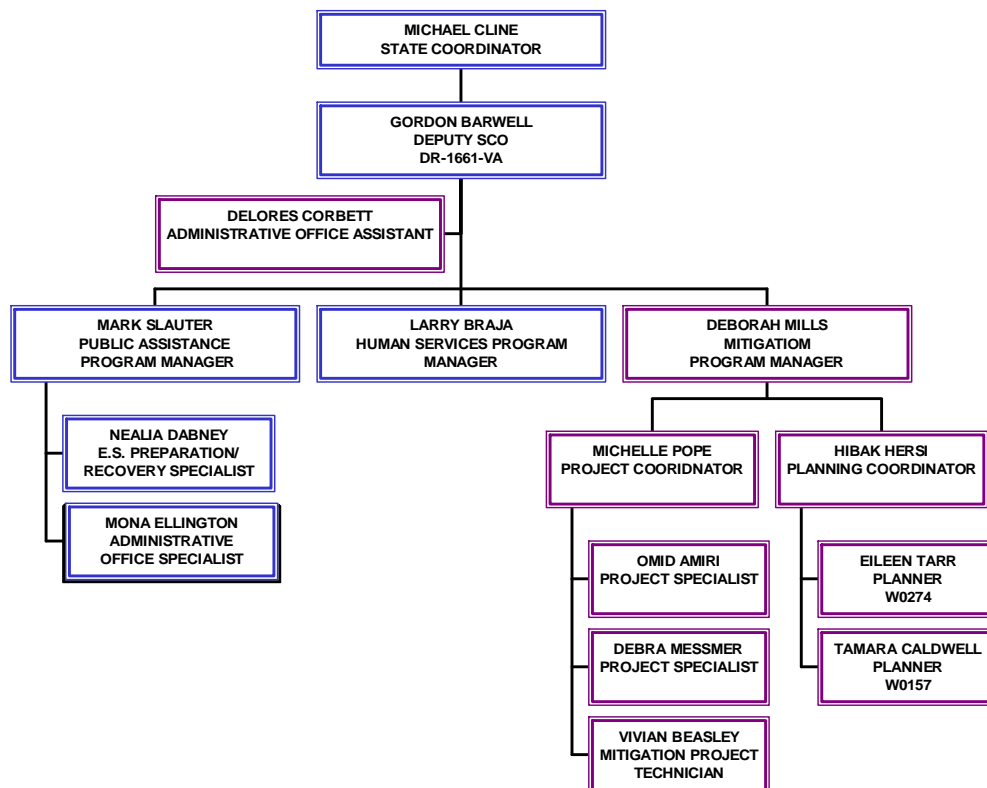
ORGANIZATION

- A. The Governor appoints a Governor's Authorized Representative who then appoints a State Mitigation Branch Director or State Hazard Mitigation Officer (SHMO). The State Mitigation Branch Director or SHMO coordinates with the Virginia Standard Hazard Mitigation Plan Steering Committee – Structural Subcommittee to manage the Hazard Mitigation Grant Program (HMGP) and all other disaster recovery mitigation programs. These programs are outlined in the Hazard Mitigation Strategy developed for each presidential declared disaster and approved by the Federal Coordinating officer and the State Coordinating Officer. [206.437(b)(1) and 206.437(b)(2)].
- B. The Virginia Department of Emergency Management currently addresses disaster recovery and mitigation through its Division of Recovery and Mitigation. This division, organized into the three major disaster recovery programs: Human

Services, Public Assistance and Hazard Mitigation, is augmented at a Joint Field Office by state agencies such as the Department of Transportation (supports Public Assistance) and the Department of Social Services (supports the Other Needs Assistance Program within Human Services). In a similar manner, the Department of Conservation and Recreation Division of Dam Safety and Floodplain Management staff support the Hazard Mitigation Program in a JFO since the National Flood Insurance Program is housed within this group.

The current Department of Emergency Management Recovery and Mitigation Division organization and staffing chart follows. Following a presidential disaster declaration and organization into a Joint Field Office to facilitate recovery and implementation of the disaster-specific Mitigation Strategy, the Mitigation Staffing organization is reviewed and adjustments are made to assure targeted delivery of the Mitigation Strategy, which includes but is not limited to implementation of the Hazard Mitigation Grant Program (HMGP). Currently, the Hazard Mitigation Program Manager serves as the State Mitigation Branch Director or SHMO for a presidential declared disaster, but the State Mitigation Branch Director or SHMO can be another designated member of the Division of Recovery and Mitigation should multiple events necessitate concurrent JFO operations. [206.437(b)(3)].

**Figure K-1 Virginia Department of Emergency Management
 Division of Recovery and Mitigation, September, 2006.**



- C. The listed agencies or groups will provide representatives to the Virginia Standard Hazard Mitigation Plan Steering Committee Structural Mitigation Sub-Committee. Other state and federal agencies may be requested to provide a representative to this committee should the nature of the disaster event require that agency's expertise and responsibility.
 - 1. Department of General Services.
 - 2. Department of Agriculture and Consumer Services.
 - 3. Department of Conservation and Recreation
 - 4. Department of Forestry.
 - 5. Department of Housing and Community Development.
 - 6. State Corporation Commission.
 - 7. Department of Veterans' Services.
 - 8. United States Army Corps of Engineers.
 - 9. Local governments.
 - 10. State college and universities.
- D. In addition to the above, the Attorney General's Office will provide a representative to the State Hazard Mitigation Committee to provide legal opinions and guidance when mitigation recommendations involve the development of local land use ordinances or require the passage of state legislation.

A. CONCEPT OF OPERATIONS

- A. Prior to a disaster declaration, the State Mitigation Branch Director or State Hazard Mitigation Officer (SHMO) will participate in the disaster declaration process by coordinating the state hazard mitigation element of the Federal-State Preliminary Damage Assessment (PDA). Other state agency and Virginia Department of Emergency Management (VDEM) reservist personnel will be trained to perform field damage assessment duties by the State Hazard Mitigation Officer.
- B. Following a major disaster declaration by the President authorizing hazard mitigation assistance, the FEMA/State Agreement will outline the 75/25 % cost-share provision of the Hazard Mitigation Grant Program. The agreement will further state that the nonfederal share may exceed the federal share and may be a combination of state, local, and private funding.
- C. The Governor of the Commonwealth of Virginia has included a request for funding for the Hazard Mitigation Program in previous requests for disaster assistance through a Presidential declaration in a letter to the President of the United States should the data gathered during the Preliminary Damage Assessment warrant the declaration as well as the mitigation program. Should the program not be included in the Governor's request, or if it is not provided in the Presidential Declaration, the State Coordinating Officer (SCO) will submit a Letter of Intent to the Regional Director (RD) indicating that the state intends to access funds under Part 206 of the Stafford Act (HMGP). The letter of intent shall be transmitted within 60 days of the declaration.

- D. The State Mitigation Branch Director or SHMO, in consultation with the SCO, representatives of other state agencies (see above) and the Federal Mitigation Officer, develops a written Hazard Mitigation Strategy that identifies mitigation opportunities and priorities. Previous Hazard Mitigation Strategies have included innovative education initiatives as well as establishment of the priorities and delivery mechanisms for the Hazard Mitigation Grant Program. The programs outlined in previous Hazard Mitigation Strategies have expanded the realm of mitigation to a community-based program. Strategies have been formulated following review of data from PDA teams and mitigation survey teams. Photographs and other information are examined as well as early registration data to characterize the type and extent of damage. In addition, the needs and capabilities of the communities and citizens impacted are evaluated.

Once drafted, the strategy document will receive the endorsement of the SCO and the Federal Coordinating Officer (FCO). This document, once endorsed, will be added as an update to the State Hazard Mitigation Plan. Examples of Mitigation Strategies are found in the *Commonwealth of Virginia Emergency Operations Plan: Volume 6: Standard and Enhanced Hazard Mitigation Plan, Enhanced Appendix 9*.

- E. The State Mitigation Branch Director or SHMO will continue administration of the Hazard Mitigation Grant Program after the Joint Field Office closes. The number and size of projects under development will determine staffing augmentation. Under certain circumstances such that a disaster event exceeds the capabilities of the State to implement any mitigation function, the State may, through FEMA, contract assistance.

F. Identification and Notification of Potential Applicants

1. Identification

- a. To be able to access HMGP funds, a local government must have a locally adopted FEMA approved Hazard Mitigation Plan in place. This plan must have been approved based on criteria contained in 44 Code of Federal Regulations (CFR), Part 201 as authorized by the Disaster Mitigation Act of 2000 (DMA2K). Eligible applicants anywhere in the Commonwealth may apply for HMGP grants following a declaration of disaster. Applications are not limited to declared localities, although priority is usually given to the declared localities depending on the nature and extent of the disaster. Eligible project sponsors include incorporated cities, counties and towns, planning district commissions, state agencies, state colleges and universities, and certain private non-profit organizations.
- b. Upon declaration of the disaster, the State Mitigation Branch Director or SHMO, in consultation with federal mitigation program partners, will participate in the PDA process to characterize potential hazard mitigation project opportunities. The state/federal Hazard Mitigation staff may conduct hazard mitigation surveys immediately after a disaster is declared. The State Mitigation Branch Director or SHMO and federal mitigation staff will coordinate with the state and FEMA

Public Assistance and Individual Assistance Officers during initial assessments. They will also try to obtain a preliminary estimate of available program funds.

- c. Based on the damage surveys and the goals and objectives set forth in the State Hazard Mitigation Plan, the State Mitigation Branch Director or SHMO will create an initial Hazard Mitigation Strategy. The strategy will be written within 30 days of the declaration and will outline the marketing of the Hazard Mitigation Grant Program (HMGP) to assure its availability to priority, disaster-stricken areas. The State Mitigation Branch Director or SHMO will review and revise, if necessary, the current *Commonwealth of Virginia Emergency Operations Plan Volume 6- Standard and Enhanced Hazard Mitigation Plan, 2005* will be revised or augmented to assure consistency with the Mitigation Strategy.
- d. The principle mechanism in identifying potential HMGP projects will be data gathered through the PDA process augmented by information from hazard mitigation survey teams and review of local All-Hazard Mitigation Plans. Funding priorities will be listed in priority order in the Hazard Mitigation Strategy.
- e. Potential applicants may continue to expand as recovery efforts progress and the Hazard Mitigation Strategy for the current disaster is revised to incorporate additional affected localities.

2. Notification

- a. Based on the particulars of the disaster, a joint FEMA/VDEM press release announcing the Hazard Mitigation Grant program may be developed and issued. This announcement will include a point of contact for obtaining additional program details.
- b. Potential applicants are notified by letter and/or email providing HMGP Applicant's Briefing (see F.3.) date, time, purpose, and location. During previous disasters, VDEM requested a response so that local governments that did not initially indicate attendance at a briefing could be personally contacted. [206.437(b)(4)(i)].
- c. The SHMO or Mitigation Program Staff may also participate in briefings for applicants for the Public Assistance program and in training sessions for the inspectors in both the infrastructure and human services programs. The purpose of these activities is to alert all disaster assistance personnel and potential assistance applicants to be aware of possible mitigation opportunities. This briefing is only to generate awareness of the program, not give a detailed overview.

3. Hazard Mitigation Program Applicant's Briefing

- a. A VDEM mitigation staff member or members will conduct mitigation briefings for potential applicants. At the state level, these

briefings are targeted to eligible applicants: local governments, state agencies, state colleges and universities and certain private non-profit organizations. Citizens are discouraged from attending these briefings as the HMGP program cannot be directly granted to a property owner or citizen. Potential project sponsors should conduct briefings for their potential project participants at a local level. The VDEM Hazard Mitigation Grant Program Applicant's briefing will include:

1. General overview of mitigation programs including mitigation opportunities under federal Disaster Assistance Sections Part 206.
2. Specific information about the Hazard Mitigation Grant Program including:
 - a) Eligibility.
 - b) State mitigation priorities.
 - c) The application process.
 - d) The selection process.
 - e) National Environmental Policy Act (NEPA) compliance.
 - f) Project management.
 - g) Technical assistance.
 - h) Nature of funding.
 - i) Key deadlines.
3. During the briefing, potential applicants are given a "Pre-Application Package" which may consist of the following:
 - a) HMGP regulations and guidelines, including eligibility criteria, types of projects, key deadlines, and a contract for additional information.
 - b) Pre-application form (HMGP).
 - c) State identified priorities.
 - d) Copy of the Post-Disaster Hazard Mitigation Planning Guidance for State and Local Governments.
 - e) Property Acquisition Handbook for Local Communities (as necessary).

f) Environmental and Historic Compliance “Green Book”
for the current disaster

- b. The State Mitigation Branch Director, SHMO, or mitigation staff will notify potential applicants about the mitigation briefing(s) via direct contact. [206.437(b)(4)(ii)]. (See F.2.b.)

G. Pre-application Procedures

1. Potential applicants will have at least 15 days following the date of the HMGP specific briefing to notify the SHMO of their interest in applying for a grant and designate an individual as the “Subgrantee’s Authorized Representative” to administer the grant program at the local level. The deadline for notification of interest will be set by the State Mitigation Branch Director or SHMO and published at the briefing, through written notification to all local jurisdictions included in the disaster declaration and posted on the VDEM website. The applicants shall submit a completed HMGP Pre-application form as notification. The time limitation may be extended by the State Mitigation Branch Director or SHMO when justified and requested in writing by the applicant. Depending on the nature and extent of the disaster, high priority, as indicated in the Hazard Mitigation Strategy, project applications may be accepted to streamline program implementation and quicken the recovery effort.
2. Upon receipt of the above-mentioned pre-application forms, the VDEM mitigation staff will perform an eligibility review and notify potential applicants via written correspondence of their eligibility status. This review will preliminarily organize potential projects in accordance with the priorities outlined in the Hazard Mitigation Strategy. [206.437(b)(4)(iii)]
 - a. Those applicants whose pre-applications were deemed eligible will receive a letter of eligibility that invites the project sponsor to submit a full application.
 - b. Those applicants whose pre-applications were determined ineligible will be offered technical assistance/advice regarding how to achieve program eligibility.
 1. Technical assistance to potential applicants will be based on need and availability of personnel. If required technical assistance is not resident at the State level, such assistance will be requested from FEMA.
3. Submission dates and response times will be included in all applicant notices, briefings, and requests for additional information.

H. Application Procedures

1. The SHMO and state mitigation program staff will have the primary responsibility for ensuring that all applications are properly completed. Each application must contain the following information.

- a. Name of Subgrantee.
- b. State or local contact for the project.
- c. Location of the project.
- d. Description of the project.
- e. Estimated cost of the project.
- f. Analysis of project cost effectiveness and substantive risk reduction, consistent with Section 206.434 of Federal 404 Regulations.
- g. Work schedule and maintenance agreement.
- h. Justification for selection.
- i. Alternatives considered.
- j. Environmental information consistent with 9 CFR, Flood Management and Protection of Wetlands, and 10 CFR, Environmental Considerations, and comply with Executive Order 12898, Environmental Justice.
- k. Historic information consistent with local, state, and federal historic preservation guidelines.
- l. Prioritization plan if necessary.
- m. Disk including the electronic version of the completed HMGP application form.
- n. All applicable maps of project locations; to include U.S.G.S. topographic map, FEMA Flood Insurance Rate Map (FIRM), location or site map.
- o. Electronic photographs of each of the four sides of any structure to be mitigated and a “street view” showing the structure’s neighborhood setting.
- p. Assurance of project long-term maintenance.
- q. Project information sheets.
- r. Completed property owner participation forms.
- s. Property substitution list.
- t. Other pertinent information if necessary.

2. The date for submission of the above information shall be established by the State Mitigation Branch Director or SHMO. Applicants will in most cases have 60 days following receipt of the notification of eligibility. The State Mitigation Branch Director or SHMO may give extensions upon written request.
3. Upon receipt of a project application, the State Mitigation Branch Director or SHMO will assign a Project Identification Number (PIN) to each application. The PIN will consist of the FEMA disaster number, the Federal Identification Processing System (FIPS) Code, and a project number. The project numbers will be assigned sequentially as project applicants are received. An example of a PIN is: VA 1293-700-041.
4. The VDEM mitigation staff will review each application for eligibility in accordance with applicable regulations of the HMGP and insure that each application is fully complete. The State Mitigation Branch Director or SHMO is responsible for obtaining any additional information necessary to make the determination and for notifying applicants of ineligible projects or proposed project status.
5. Once all submitted project applications are reviewed and processed by the VDEM mitigation staff, the State Mitigation Branch Director or SHMO will engage the State Hazard Mitigation Plan Structural Mitigation Sub-committee to participate in a project review and ranking meeting. Applications will be ranked in accordance with the priorities established in the Mitigation Strategy.
6. The State Mitigation Branch Director or SHMO is responsible for preparing the Standard Form (SF) 424, Applications for Federal Assistance, and SF 424D, Assurances for Construction Programs if appropriate, and a narrative statement to support the package being transmitted to FEMA. Each project application must be submitted through the State Mitigation Branch Director or SHMO and a letter supporting the project must be signed by the GAR.
7. The application may be amended by the state to include measures identified subsequent to the initial application. All supplements identifying new mitigation measures to the application must be made within 90 days of FEMA approval of mitigation project and must contain information as noted in H.1. above.
8. The State Mitigation Branch Director or SHMO will establish contact with all the Subgrantee's Authorized Representatives and provide technical assistance and project management overview to the Subgrantees for the duration of the project. Technical expertise and guidance can be obtained through the State Mitigation Branch Director or SHMO, State Hazard Mitigation Committee, state staff, or FEMA Mitigation staff.
9. All VDEM HMGP applications will be submitted to FEMA Region III within 1 year of the presidential declaration, which is the Period of Availability, unless a 90-day extension is requested and approved by the Regional Director when justified and requested in writing by the GAR.
10. The SHMO will notify the applicants and the FEMA Mitigation staff of funding requests.

I. Determining Eligibility

1. The following are eligible to apply for the Hazard Mitigation Program Grant:
 - a. A state or local government.
 - b. A private nonprofit organization that provides essential government services.
 - c. An Indian tribe or authorized tribal organization.
2. The SHMO will determine eligibility of the applicant and ensure that minimum program requirements are met by making certain that each application contains:
 - a. A reference to the specific section of the state and local Hazard Mitigation Plan and disaster specific mitigation strategy to which the proposed project relates.
 - b. A narrative describing how the project benefits the designated disaster area.
 - c. A completed environmental and historic review as required by FEMA.
 - d. Information sufficient to determine the extent to which the project will solve the problem it is intended to address and the status of any associated dependent or supporting projects.
 1. A brief history of previous occurrences of the problem the project addresses, including dates and impact of each occurrence, or an analysis of projected potential damages if the hazard is not addressed.
 2. Documentation comparing the proposed project and a listing of influencing factors.
 3. An estimate of the effective life of the project and a listing of influencing factors.
 4. An analysis of any pertinent demographic and physical changes to the area or facility to be protected by the project and description of any future maintenance or modifications the project may involve. This includes full analysis of potential environmental impacts as well as impacts to structures 50 years or older, including those on the state or federal register of historic places or located within a designated Historic District. A review will be conducted, in accordance with the State NFIP Coordinator's office, of the potential impacts to the regulated floodplain. [206.437(b)(4)(iv)]
 5. A cost analysis to determine whether the benefits to be gained are at least equal, if not greater than, the cost of the project.

J. Project Selection

1. If it is necessary to select from a range of projects due to funding or other constraints, the State Mitigation Branch Director or SHMO, in consultation with the Structural Mitigation Sub-committee using the *Commonwealth of Virginia Emergency Operations Plan: Volume 6: Standard and Enhanced Hazard Mitigation Plan*, will evaluate and prioritize all eligible applications. This ranking will be in accordance with the Mitigation Strategy established for the disaster following criteria in 44 CFR Sections 206.434(b) & (c) and 206.435(b) and (c) as follows:
 - a. Measures that best fit within an overall plan for development and/or hazard mitigation in the community, disaster area, or state.
 - b. Measures that, if not taken, will have a detrimental impact on the applicant, such as potential loss of life, loss of essential services, damage to critical facilities, or economic hardship on the community.
 - c. Measures that have the greatest potential impact on reducing future disaster losses.
 - d. Measures that are designed to accomplish multiple objectives, including damage reduction, environmental enhancement, and economic recovery.
2. The State Mitigation Branch Director or SHMO and Structural Mitigation Sub-committee will take into consideration optimizing the total amount of funding available, including overmatching of federal funds with nonfederal funds, when developing this ranking. The State Mitigation Branch Director or SHMO and Structural Mitigation sub-committee will also consider the level of interest and demonstrated degree of commitment of each applicant. [206.437(b)(4)(v)].

K. Project Management

1. The Commonwealth, the grantee, has primary responsibility for project management and accountability of funds as indicated in 44 CFR Part 13 and 206 and for ensuring that all program and administrative requirements are met.
2. The Subgrantee, under the guidance of the Commonwealth as Grantee, is responsible for the management of the individual project grants in accordance with applicable federal, state, and local regulations. [206.437(b)(4)(vii)]
 - a. The Subgrantee will designate an individual to serve as the “Subgrantee’s Authorized Representative.” This individual will be responsible for administering the individual project grants.
 - b. Procurement of contractors and other goods and services by the Subgrantee for the completion of approved projects will be in accordance with the Virginia Administrative Process Act procedures, which complies with applicable federal law and the standards found in the “Common Rule.”

- c. The Grantee and Subgrantee will retain all project records and documents for a period of three years after the completion of the project.
 - d. Uniform audit requirements as set forth in 44 CFR Part 14 apply to all projects under the Hazard Mitigation Grant Program. FEMA may elect to conduct a federal audit on projects funded under this program.
 - e. FEMA, the Comptroller General of the United States, and the Commonwealth of Virginia, or their authorized representatives shall have the right of access to any records relevant to the grant or subgrant for as long as the records are retained. [206.437(b)(4)(xii)].
 - f. Subgrantees will submit progress reports to the State Mitigation Branch Director or SHMO on the status and completion date of their projects in sufficient time to allow the GAR to compile a quarterly progress report for FEMA. These reports will identify any problem areas that may result in noncompliance with the approved grant conditions. [206.437(b)(4)(xiii)].
 - g. Subgrantees will notify the Commonwealth, grantee, if there is a need for additional funds to complete the project as originally scoped and approved. Additional funds (or cost overruns) will not be granted unless another project within the requesting project's disaster grant has reported and approved a cost underrun that can offset the requestor's overrun. Also, for any project requesting additional funds, the Benefit Cost Analysis will be rerun to determine if the project will remain cost beneficial once additional funds are added. A project that can not show continued cost benefit, will not be considered for a cost overrun.
3. The GAR shall submit certification to the Regional Director of expenditures for each approved project upon its completion. With this submission, the GAR certifies that the reported costs were incurred in performance of eligible work, that the approved work was completed, and that the project was completed in compliance with the provisions of the FEMA-State Agreement. [206.437(b)(4)(vi)]
- a. The Subgrantee will provide the Governor's Appointed Representative (GAR), through the State Mitigation Branch Director or SHMO, certification of the project completion in accordance with the specifications contained in the approved project application or project supplements.
 - b. The State Mitigation Branch Director or SHMO will perform a final inspection of the individual projects to be performed to insure the completion of the project is in accordance with the specifications contained in the approved project application.

L. Allowable Costs

1. General policies and guidelines for determining allowable costs are established in 44 CFR 13.22 and detailed in OMB Circulars A-21, A-87, and A-122. Cost guidelines not covered in these referenced OMB Circulars are set forth in 44 CFR Part 206, Subpart N, Section 206.439.
2. Allowable administrative expenses for Subgrantee and Grantee costs are covered by an allowance based on a percentage of total net eligible costs under Sections 403, 404, 406, 407, 502, and 503 of the Act. The application percentages may be found under Allowable Costs (Subpart N), Section 206.439(b)(1)(i) and (ii).
3. State management costs for personnel assigned to administer the Hazard Mitigation Grant program in the Joint Field Office (JFO) may be eligible when approved by the Regional Director.
4. The salaries for continuing management of the Hazard Mitigation grants must be approved in advance by the Regional Director. The state must submit a staffing plan in advance of the requirement.

M. Appeals

1. The grantee may appeal any determination made related to federal assistance. Appeals will be filed in accordance with 44 CFR 206, Subpart N – Hazard Mitigation Grant Program.
2. An applicant or subgrantee may file, with the grantee, an appeal of any determination previously made related to federal assistance for an applicant or subgrantee.
3. Appeals filed by applicants or subgrantees must be in writing and supported by sufficient documentation (new and compelling information) justification to allow the GAR to make a determination of validity and make a decision on the first appeal.
4. After review by the State Mitigation Branch Director or SHMO and GAR, if the appeal appears valid, the letter will be processed and forwarded to FEMA for review and determination.
5. If the State Mitigation Branch Director or SHMO, GAR, or FEMA deny the appeal, the actions outlined above in paragraphs 2 and 3 above will apply to any second appeal. The second appeal should include new or expanded information to support the need for a second appeal. The second appeal must be made within 60 days of the decision. The decision on the second appeal, whether made by the SHMO, GAR, or FEMA is final. [206.437(b)(4)(ix)]

N. Technical Assistance

1. Upon receipt of a FEMA Award letter, the State Mitigation Branch Director or SHMO, and the VDEM mitigation program staff compile an award package. This package includes an award letter from the Governor's Appointed Representative, a contract document, and a copy of 44 CFR parts 13 and 206. VDEM in the award letter references these documents and the sub-grantee's

obligation to comply, as does VDEM, with all administrative requirements of the *Code of Federal Regulations*. The sub-grantee is directed to review all documents and return the executed contract document along with a revised project implementation schedule within 30 days of receipt of the award package. [206.437(b)(4)(xi)].

2. Upon receipt of the executed award package, the VDEM mitigation project specialist assigned to the management of the sub-grant, conducts a project implementation meeting at the office of the project sponsor. At this meeting, all aspects of project implementation are discussed. The sponsor is provided with copies of quarterly report and financial reimbursement forms. In addition, a field site visit may be conducted to familiarize the VDEM mitigation project specialist with the project specifics.
3. The VDEM mitigation staff has developed many different training workshops and presentations. VDEM can develop or present an already created session on many mitigation project development and implementation topics at the request of the subgrantee.

AUTHORITIES AND REFERENCES

A. Federal

1. Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, as amended, Section 206.
2. Public Law 93-234, as amended, Flood Disaster Protection Act of 1983.
3. Single Audit Act Amendment of 1996.
4. FEMA Regulations, 44 CFR, Part 206, Subparts M and N.
5. FEMA Regulations, 44 CFR, Part 13, Uniform Administration Requirements for Grants and Cooperative Agreements to State and Local Governments.
6. FEMA Regulations, 44 CFR, Part 14, Administration of Grants: Audits of State and Local Governments.
7. Executive Order 11988, Floodplain Management.
8. Executive Order 11990, Protection of Wetlands.
9. Executive Order 12612, Federalism.
10. Executive Order 12699, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction.
11. Executive Order 12898, Environmental Justice.
12. Office of Management and Budget Memorandum, Nonstructural Flood Protection Measures and Flood Disaster Recovery, July 10, 1980.
13. Interagency Agreement for Non-Structural Damage Reduction, December 15, 1980.

B. State

1. Commonwealth of Virginia Emergency Services and Disaster Law of 2000, as amended.
2. Code of Virginia, Title 10.1, Chapter 6, Article 1.1, Section 10.1-603.1 through 10.1-603.8: Flood Prevention and Protection Assistance Fund.
3. Code of Virginia, Title 10.1, Chapter 6, Article 6, Sections 10.1-658 and 10.1-659.
4. Commonwealth of Virginia Emergency Operations Plan, Basic Plan, as amended.
5. State Coordinating Officer Toolkit, FEMA, December 1996.

DEFINITIONS

Applicant – A state agency, local government, or eligible private nonprofit organization, Indian tribes, or authorized tribal organizations submitting an application to the GAR for assistance under the Hazard Mitigation Grant Program. An applicant becomes a subgrantee upon receipt of financial assistance.

Application – Refers to the initial request for Section 206 funding, as outlined in Section 206.436 *The Code of Federal Regulations-44*.

CFR – *Code of Federal Regulations*.

Declaration – An announcement of a Presidential determination that a natural catastrophe or other occasion or instance has occurred which requires federal assistance to supplement the Commonwealth and local efforts and resources to alleviate the damage, loss, hardship, or suffering caused thereby.

FEMA – Federal Emergency Management Agency.

FEMA-State Agreement – A formal legal document stating the understandings, commitments, and binding conditions for assistance applicable as the result of the major disaster or emergency declared by the President.

Governor's Authorized Representative (GAR) – The individual empowered by the Governor to represent him/her in activities related to the implementation of Public Law 93-288 and in ongoing state disaster/emergency preparedness, response, and hazard mitigation activities.

Grant – An award of financial assistance. The total amount eligible for the grant shall be based on 7 ½% percent of the estimated total federal assistance provided under Part 206 of *The Code of Federal Regulations, 44*.

Grantee – The government to which a grant is awarded and which is accountable for use of the funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designed in the grant award document. For purposes of this plan, the Commonwealth of Virginia is the grantee.

Hazard Mitigation - Any action taken to reduce or eliminate the long-term risk to life and property from natural or technological hazards.

Hazard Mitigation Grant Program (HMGP) – The program authorized under Section 404 of the Act which may provide funding for certain mitigation measures identified through the evaluation of hazards.

Hazard Mitigation Plan – The results of a systematic evaluation of the nature and extent of vulnerability to the effects of natural hazards present in society including the actions needed to minimize future vulnerability to hazards, as required by the Act.

Hazard Mitigation Survey Team (HMST) – A joint FEMA/state survey team activated following a disaster to quickly identify opportunities and issues to be addressed in the Plan.

Interagency Hazard Mitigation Team (IHMT) – A team of representatives of federal agencies, state agencies, and local government that is activated following disasters to exchange information and coordinate government mitigation activities.

Letter of Intent – A form letter indicating applicant’s interest in participating in the Hazard Mitigation Grant Program. The form is distributed by VDEM at the mitigation specific applicants’ briefing.

Local Government – Any county, city, township, or other political subdivision of the Commonwealth of Virginia.

Local Hazard Mitigation Officer (LHMO) – The local government employee assigned to coordinate activities of the local hazard mitigation team relative to a Presidential disaster declaration or state/local emergencies.

Local Hazard Mitigation Team (LHMT) – A team of individuals selected by local governments impacted by the disaster to assist state Hazard Mitigation Team with hazard mitigation activities in their areas.

Measure – A term used interchangeably with the term “project” to identify any mitigation action taken or proposed to reduce risk of future damage, hardship, loss, or suffering resulting from disasters.

Major Disaster – Any natural catastrophe (including any hurricane, tornado, storm high water, wind driven water, tidal wave tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought) or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Act to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss hardship, or suffering caused thereby.

Mitigation Strategy – A document developed immediately after the disaster declaration by the State Hazard Mitigation Officer, in consultation with the State Coordinating Officer that identifies mitigation priorities for the 404 Hazard Mitigation Grant Program and for other hazard mitigation activities implemented in the declared area(s).

National Flood Insurance Program - The NFIP is a Federal program enabling property owners in participating communities to purchase insurance as a protection against flood losses in exchange for State and community floodplain management regulations that reduce future flood damages. Participation in the NFIP is based on an agreement between communities and the Federal Government. If a community adopts and enforces a floodplain management ordinance to reduce future flood risk to new construction in floodplains, the Federal Government will make flood insurance available within the community as a financial protection against flood losses. This insurance is designed to provide an insurance alternative to disaster assistance to reduce the escalating costs of repairing damage to buildings and their contents caused by floods.

Natural Disaster – Any natural catastrophe, including any hurricane, tornado, storm high water, wind driven, tidal wave, tsunami, seiche, earthquake, volcanic eruption, landslide, mudslide, snowstorm, fire, or drought.

Pre-application Form – A standard form which provides basic details about the applicant, description of the project and estimated cost. The form is used to initially screen the potential projects for eligibility for the Hazard Mitigation Grant Program.

Preliminary Damage Assessment – The joint site inspection of potential declared jurisdictions by the state and federal government to determine the necessity of a Presidential Disaster Declaration.

Private, Nonprofit Organization – Any nongovernmental agency or entity that currently has

- a. An effective ruling letter from the U.S. Internal Revenue Service granting tax exemption under Section 501(c), (d), or (e) of the Internal Revenue Code of 1954 or
- b. Satisfactory evidence from the state that the organization or entity is a nonprofit one organized or doing business under state law.

Project – Used interchangeably with the term “measure.”

Regional Director (RD) – A director of the regional office (Region III) of FEMA, or his/her designated representative.

Standards – Codes, specifications, or standards for the construction of facilities, to include legal requirements for additional features. Such standards may be different for new construction and repair.

State Administrative Plan for the Hazard Mitigation Grant Program – This plan, developed by the state, which describes the procedures for administration of the Hazard Mitigation Grant Program.

State Hazard Mitigation Officer (SHMO) – The individual designated by the GAR as the responsible individual on all matters related to the Section 404 Hazard Mitigation Grant Program, the Section 322 All-Hazard Mitigation Planning Program, and the coordinated State Hazard Mitigation Planning Program.

State Hazard Mitigation Plan – As an annex to the State Emergency Operations Plan, the hazard mitigation plan is used as a means of identifying natural and assessing risks across the state. It is also the means of identifying and assessing hazard mitigation opportunities that will reduce the threat to people and property. Following Presidential-declared disasters, this plan will coincide with all federal authorities and responsibilities.

State Hazard Mitigation Program - An ongoing program involving a coordinated effort of most state agencies to reduce the risks to people and property from natural hazards. During and following periods of Presidential-declared disasters, this program will coincide with activities required under Section 206 of Public Law 93-288 and the associated FEMA federal regulations.

State Hazard Mitigation Plan Steering Committee – Structural Mitigation Sub-Committee – A group of individuals appointed by the directors of state agencies with hazard mitigation responsibilities or programs who will assist with hazard mitigation activities related to Section 206 of Public Law 93-288 and to other ongoing activities of the state hazard mitigation program.

Subgrant - An award of financial assistance under a grant by the Grantee to an eligible Subgrantee. The Subgrant is a cost-share award providing 75 percent of the estimated costs of a hazard mitigation project from federal sources. The 25 percent nonfederal share may be provided by the state, the local government, the Subgrantee, or other source.

Subgrantee – The government or other legal entity to which a Subgrant is awarded and which is accountable to the Grantee for the use of the funds provided. Subgrantees can be a state agency, a local unit of government, a private nonprofit organization that provides essential government services, or Indian tribe as outlined in Section 206.433 of Section 404 Federal Regulations.

Supplement – The request that the state submits to FEMA to add or modify measure(s) for which Section 404 funding is requested, as outlined in Section 206.436. The application plus all supplements identify the total number of measures for which funding is requested.

VDEM – Virginia Department of Emergency Management.

Virginia Uniform Statewide Building Code - The Virginia Uniform Statewide Building Code (USBC) contains the building regulations that must be complied with when constructing a new building or structure or an addition to an existing building, maintaining or repairing an existing building, or renovating or changing the use of a building or structure.

HAZARD MITIGATION FLOW CHART FOR JOINT FIELD OFFICES

